

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION

CRIMINAL NO. 2:08CR36

UNITED STATES OF AMERICA

VS.

DANIEL LEE REED

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ORDER

**THIS MATTER** is before the Court on the Defendant's motion for severance and the Government's response in support of the motion. **See Defendant's Motion for Severance, filed March 2, 2009; Government's Response to Defendant's Motion to Sever, filed March 13, 2009.**

The Government agrees with the Defendant that there would be *Bruton*<sup>1</sup> issues if a trial were held involving both Defendants Reed and Bigwitch. **Government's Response, at 4.** However, a ruling on the severance motion is unnecessary in view of the guilty plea entered by the Defendant Bigwitch before the Magistrate Judge this date. **See Rule 11 Inquiry and Order of Acceptance of Plea (as to Danielle Bigwitch),**

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<sup>1</sup> ***Bruton v. United States*, 391 U.S. 123 (1968).**

filed March 17, 2009, at 3 (pled guilty to second degree murder, a lesser included offense charged in Count One of the indictment).

**IT IS, THEREFORE, ORDERED** that the Defendant's motion for severance is hereby **DENIED** as moot.

Signed: March 17, 2009

A handwritten signature in black ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

